

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**IN RE: PRADAXA (DABIGATRAN
ETEXILATE) PRODUCTS LIABILITY
LITIGATION**

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) **3:12-md-02385-DRH-SCW**
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) **MDL No. 2385**
)
)

This Document Relates to:

ALL CASES

MINUTES OF STATUS CONFERENCE

PRESIDING: Chief Judge David R. Herndon

DATE: January 14, 2013

PLACE: East St. Louis, Illinois

COURT REPORTER: Laura Blatz

COURTROOM DEPUTY: Sara Jennings

APPEARING FOR PLAINTIFFS:

**Mark R. Niemeyer, Michael A. London,
Mikal C. Watts, Roger C. Denton, Seth A.
Katz, Steven D. Davis, Tor A. Hoerman**

APPEARING FOR DEFENDANTS:

**Dan H. Ball, Eric E. Hudson, Orlando
Rodriquez Richmond, Sr., Beth S. Rose**

TIME: 3:00 PM – 3:50 PM

Court met with lead and liaison counsel prior to the hearing today.

Mr. Denton reported on the progress of the Privilege Logs and Redaction Logs. Parties have agreed that Connecticut law will apply to attorney-client privilege claims and federal law will apply to challenge for work product doctrine. The parties have agreed to the content of the privilege log and timing of when PSC will receive logs from BIPI. Parties are working to resolve how private information will be handled. Negotiations continue with regard to redaction of non attorney-client/work product matters. Mr. Ball confirmed this information.

Mr. Katz and Mr. Ball reported that the Defendant's Fact Sheets have been agreed to and will be submitted in the next few days. Mr. Hudson provided an update as to the Plaintiff Fact Sheets.

Mr. Richmond provided the status of the document production. Another database has been discovered and counsel is working together to disclose the contents, if responsive.

Mr. Katz provided an update as to designation of databases as confidential. Information produced from the VISTA, TEMPO, Oracle Clinical, BRAIN, Cerberus, ARISg and SAS databases shall be deemed to have been designated confidential pursuant to Case Management Order Number 2. Certain data within the BRAIN and Cerebrus databases will be deemed "attorneys' eyes only" for 30 days. . Per CMO 17, parties provided an update as to negotiations to the two databases TEMPO and ARISg. Parties are dealing with a cost shifting issue but believe it will be resolved soon.

Mr. Richmond and Mr. Watts also reported on the January 2, 2013 correspondence regarding missed deadlines with respect to production of documents. Those issues have been resolved and the parties are acting in good faith.

Mr. Watts and Ms. Rose provided status of BII 30(b)(6). All objections to Plaintiff's discovery requests have been resolved. Mr. Watts and Ms. Rose are meeting to finalize a plan as to the possible remaining 30(b)(6) deposition.

Mr. Ball provided status of defense witness depositions. Depositions are scheduled to begin in March and the parties are continuing to schedule these depositions. Mr. Katz reported that locations of depositions are causing an issue.

Mr. Ball provided Defendants' position as to Motion for Protective Order filed on December 21, 2012. Mr. Katz argued on behalf of Plaintiffs. Mr. Katz marked as an exhibit, a letter to BIPI re: promotion of Pradaxa. Plaintiffs request that the Motion at Doc. 75 be unsealed. Counsel for Plaintiff also marked the Corporate Integrity Agreement as an exhibit. Both exhibits were provided to the Court and marked as Exhibits 1 and 2.

Mr. Ball shall submit the Voluntary Code of Conduct to the Court and its effective date. Motion for Protective Order taken under advisement.

Next status conference set for February 7, 2013 at 9:00 AM.